

DOCKET NO: 202603US2DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
TETSUYA SADA ET AL : GROUP: 3743
SERIAL NO: 09/800,585 : EXAMINER: FORD, J.
FILED: MARCH 8, 2001 :

FOR: COOLING DEVICE AND
COOLING METHOD

REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the office action mailed March 29, 2002, the following remarks in support of patentability are presented in the above-identified patent application:

Favorable reconsideration of this application is respectfully requested. Claims 15-17 are pending.

In the outstanding office action, the election requirement of December 7, 2001, was made final. The outstanding office action states, "The Examiner notes an argument made on the allegation of no serious burden and it [is] unpersuasive because it is a conclusory statement with no supporting facts." Page 2. Applicant respectfully requests that the election requirement be withdrawn because there is overwhelming evidence that the examination of three claims would not place a serious burden on the examiner. First, applicants note that the



examiner has already examined all three claims on their merits, and therefore, there is no additional burden placed on the examiner by withdrawing the outstanding election requirement. Second, the examination of only three claims in this instance (if ever) is not a serious burden because all of the claims relate to the method shown in Figure 14, for example. Therefore, applicants respectfully request that the outstanding election requirement be withdrawn.

On pages 2 and 3 of the outstanding office action, claims 15-17 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants submit that the specification contains more than adequate support for the subject matter of claims 15-17. For example, the supplying step of claim 15 is supported, for example, by the specification at page 30, line 1 - page 31, line 5, and at page 32, lines 21-27. Support for the supplying step of claim 16 is found in the specification, for example, at page 30 lines 1-21 and at page 32, line 27-page 33, line 5. Support for the supplying step of claim 17 is found in the specification, for example, at page 30, lines 1-21, and page 33, lines 5-15.

Additionally, it can readily be seen from the drawings, claims 15-17 are generally supported by Figure 14. With respect to the "supplying" step in each claim, that step differs as to when the coolant is supplied. Thus, all three of the claimed techniques for supplying coolant can be utilized in the embodiment of Figure 14.

Therefore, applicants believe that claims 15-17 are fully compliant with the written description requirement of 35 U.S. C. 112, first paragraph.

In view of the foregoing discussion, no further issues are believed to be outstanding in the present application. Therefore, applicants request that the present application be allowed and be passed to issue.

Respectfully submitted,

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